

# SUPER LAW GROUP, LLC

February 17, 2015

## **Submitted via FOIAonline**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Re: **FOIA Request** – Reasonable Potential Analysis in NJ NPDES permits

Dear FOIA Officer:

I write to request records in possession of the Environmental Protection Agency (EPA) for inspection and copying, pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

I request that EPA make available any and all information<sup>1</sup> regarding the State of New Jersey's policies and practices related to the conduct of "Reasonable Potential Analysis" and establishment of water quality based effluent limits in the issuance of New Jersey Pollutant Discharge Elimination System (NJPDES) permits pursuant to Section 402 of the Clean Water Act. This includes *but is not limited to*:

- internal and external correspondence pertaining to New Jersey's conduct of reasonable potential analysis, water quality sampling, and the status of water quality based effluent limits in NJPDES permits;
- documents developed during or arising out of reviews, audits, investigations, or evaluations of New Jersey's NPDES permitting program (including during NPDES Permit Quality Reviews) that relate to the above topics;
- any agreements, memoranda, policies or guidance exchanged with NJDEP on these issues; and
- any comments, letters, memoranda or other documents developed during EPA review of particular NJPDES permits that address these issues.

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In connection with this FOIA request, I would also like to ask the following:

(1) If there are any records responsive to this request that can be emailed to me in electronic form, please do so. My email address is [alice@superlawgroup.com](mailto:alice@superlawgroup.com).

(2) If there are any records that are in electronic form but cannot be emailed, please let me know whether they can be copied onto a CD and sent to me via U.S. Mail.

(3) If there are any records responsive to this request that cannot be emailed to me or copied onto a CD and sent to me via U.S. Mail, please contact me and let me know how many pages the remaining documents encompass and any charge for those pages.

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<sup>1</sup> Including all memoranda, correspondence, and all other documents of any kind.

(4) If for any reason any portion of my request is denied, please provide a log of the records being withheld, inform me in writing, with respect to each such record, the reasons for the denial, and provide the name, address and email address of the person or body to whom an appeal should be directed.

(5) If there is any confusion about any of the requests, please contact me as soon as possible so that I may clarify my request.

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I hope that you will be able to provide me with the requested materials at the earliest possible date. If there is anything I can do to facilitate this request, do not hesitate to call me at 212-242-2355.

Thank you for your attention to this matter.

Sincerely,

Edan Rotenberg

cc:

Karen O'Brien  
Environmental Engineer  
EPA Region 2  
[obrien.karen@epa.gov](mailto:obrien.karen@epa.gov)

Jeffrey Gratz  
Deputy Director, Clean Water Division  
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